

Notice of Allowability	Application No.	Applicant(s)	
	09/912,478	DE SOUZA, ALLAN MICHAEL	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	44

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of May 13, 2004.
2. ☒ The allowed claim(s) is/are 1-6 and 8-10.
3. ☒ The drawings filed on 25 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claims 1-6 and 8-10 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2004 has been entered.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dicron Halajian, Esq., on June 18, 2004.

The application has been amended as follows: In the third line of claim 1, "presenting to the consumer" is hereby amended to – presenting to a consumer --.

In the twelfth line of claim 1, the comma following "content providers (107, 108, 109)" is hereby replaced by a semicolon.

In the eighteenth (and second last) line of claim 1, "in the case where it is determined" is hereby replaced by – responsive to determination --.

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In the first line of claim 3, "whereby" is hereby replaced by – wherein --.

In the first line of claim 4, "whereby" is hereby replaced by -- wherein --.

In the third line of claim 6, "whereby" is hereby replaced by – wherein: --.

In the fourth line of claim 6, "comprising:" is hereby replaced by – comprises: --.

In the fifth line of claim 6, "for electronically presenting to the user" is hereby replaced by -- which electronically present to a user --.

In the twelfth line of claim 6, the comma following "consumer device (101)" is hereby replaced by a semicolon.

In the thirteenth line of claim 6, "determination means to determine" is hereby amended to read – determination means which determine --.

In the fifteenth line of claim 6, the comma following "providers (107, 108, 109)" is hereby replaced by a semicolon, and followed by the word – and --.

In the twenty-fourth line of claim 6, the comma following "consumer device (101)" is hereby replaced by a semicolon, and followed by the word – and --.

In the twenty-fifth line of claim 6, "comprising:" is hereby replaced with -- comprises: --.

In the twenty-seventh line of claim 6, the comma after "selection means (210)" is hereby replaced by a semicolon.

In the first line of claim 8, "whereby" is hereby replaced by – wherein --.

In the first line of claim 9, "whereby" is hereby replaced by -- wherein --.

In the first line of claim 10, "The arrangement of claim 7" is hereby corrected to – The arrangement of claim 6 --.

Allowable Subject Matter

Claims 1-5 are allowed.

Claims 6 and 8-10 are allowed on essentially the same grounds.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Carolan et al. (U.S. Patent Application Publication 2002/0036658), discloses a method for providing access to a consumer device, comprising: electronically presenting to a consumer representations a plurality of content providers (Figure 3; paragraph 0035). Carolan does not disclose receiving a selection from the consumer for a consumer for a demonstration of the features of the service offered by a specific one of the content providers, and, responsive to receiving said selection, initiating a demonstration of said service features for the specific one of the content providers, although it is known to provide demonstrations of services or products offered, in response to consumer requests (see, for example, Aarnio, (U.S. Patent Application Publication 2004/0078274, paragraphs 0025 and 0026). Carolan similarly does not disclose querying the consumer at the termination of said demonstration to determine if the consumer wishes to subscribe to the services of the specific one of content providers. Aarnio does disclose querying a consumer to determine whether a consumer wishes to pay for content, but this is not querying the consumer to determine whether the consumer wishes to subscribe to services, nor does it involve a plurality of content providers. Carolan discloses access of the consumer device to content providers (e.g., paragraphs 0015, 0016, and 0033), but does not disclose providing the specific one of the content providers access to the consumer device responsive to

determination that the consumer wishes to subscribe to the specific one of said content providers, nor does any other prior art of record disclose this in the claimed context.

While no element of claim 1 appears to be absolutely novel and without precedent, the lack of the combination of elements, and of sufficiently analogous art to make up the deficiencies of the nearest prior art of record, is held to make the claim patentable.

(Carolan is believed to be more relevant than Howe et al. (U.S. Patent 5,818,438), used as the primary reference in earlier Office actions.)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Billock et al. (U.S. Patent 5,619,249) disclose a telecasting service for providing video programs on demand with an interactive interface for facilitating viewer selection of video programs. Carlin et al. (U.S. Patent 5,694,549) disclose a multi-provider on-line communications system. Schmuelling et al. (U.S. Patent 6,603,758) disclose a system for supporting multiple Internet service providers on a single network. Fair (U.S. Patent 6,628,307) discloses a user interface for Internet application.

Carolan et al. (U.S. Patent Application Publication 2002/0036658) disclose a method and apparatus for dynamically displaying brand information in a user interface. Knee et al. (U.S. Patent Application Publication 2003/0115602) disclose an electronic television program guide schedule system and method with data feed access. Aarnio (U.S. Patent Application Publication 2004/0078274) discloses an on-line subscription service and method.

Keller (EP 1014645-A2) discloses a server preparing data for a subscriber connected to a telecommunications network, and transmitting data to a service provider.

The anonymous article "Netscape, 5 RBOCs to Market New Internet Access Services," letting Internet users choose an ISP from a list. The anonymous article "Commission Clears Vodafone, Vivendi and Canal+ Internet Venture," discloses Web-based interactive services involving television sets, and set-top boxes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER
June 18, 2004